

SBM

S T A T E B A R O F M I C H I G A N

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December 5, 2006

Sent via fax and first-class mail

306 Townsend Street
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The Honorable John Stahl
Chair, House Family and Children Services Committee
State Capitol
P.O. Box 30014
Lansing, MI 48909-7514

**Re: HB 5267 Mandatory Joint Custody:
12/6/06 House Family and Children Services Committee Hearing**

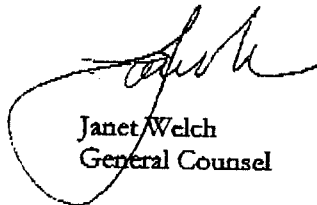
Dear Chairman Stahl:

Ahead of the December 6th hearing of the House Family and Children Services Committee, we would like to inform you of the State Bar of Michigan's position on HB 5267. The State Bar of Michigan's Board of Commissioners unanimously voted to **oppose in principle*** HB 5267.

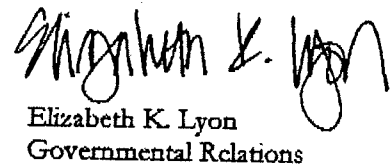
The State Bar has a long-standing position of opposing any measure that would limit judicial discretion, which HB 5267 would effectively do by eliminating a judge's ability to weigh the facts and circumstances surrounding a custody hearing before entering a judgment on a custody arrangement. The ability to consider "best interest" factors versus imposing a single type of custody arrangement is important in custody proceedings that have varying sensitivities and factors that are unique to each case.

If you would like to discuss this position in further detail or have questions, please contact Janet Welch directly at (517) 346-6375, jwelch@mail.michbar.org; or Elizabeth Lyon directly at (517) 346-6325, elyon@mail.michbar.org.

Sincerely,



Janet Welch
General Counsel



Elizabeth K. Lyon
Governmental Relations

CC. House Family and Children Services Committee Members
Rep. Leslie Mortimer
Nell Kuhnmuensch, Governmental Consultant Services, Inc.

* Definition of oppose in principle: pending legislation that the State Bar opposes, but which is not the subject of active lobbying effort. The State Bar is on record on this position and will explain it upon request.